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4/27/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

STEFELY, et al

Group Art Unit: 1619

Serial No.: Unknown

Filed: Even Date Herewith

Examiner: Bawa, R.

For: BIOCOMPATIBLE COMPOUNDS FOR SUSTAINED RELEASE
PHARMACEUTICAL DRUG DELIVERY SYSTEMS (as amended)

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, DC 20231

Dear Examiner:

Please amend the application as follows prior to consideration.

Deletion of Inventors

This application is being filed by less than all the inventors named in the prior application. Please delete the names of the following persons who are not inventors of the invention being claimed in this application:

SCHALLINGER, Luke E., and PERMAN, Craig A.

In the Title

Please amend the title to read:

BIOCOMPATIBLE COMPOUNDS FOR SUSTAINED RELEASE
PHARMACEUTICAL DRUG DELIVERY SYSTEMS

In the Specification

Please amend the specification by inserting before the first line the following sentence:

This is a divisional of Application No. 09/634,406, filed August 9, 2000, which is a divisional of 08/797,803, filed February 7, 1997, now U.S. Patent 6,126,919.

In the Claims

Please cancel claims 1-41 and 88-188 without prejudice.

20078805-021800

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Remarks

The present application is a divisional of parent application 09/634,406, filed August 9, 2000 (which has been allowed and the Issue Fee paid), which application is a divisional of 08/797,803, filed February 7, 1997, now U.S. Patent 6,126,919 (copy enclosed with IDS).

A restriction requirement (a copy of which is enclosed) was entered in the grandparent application 08/797,803, and the present application is directed to claims 42-87, which is a subset of the group I claims (42-87) drawn to particular sustained release formulations.

It should be noted that claims 1-41, purportedly also in restriction group 1, are already the subject of allowed parent application 09/634,406. However, those claims are not limited to sustained release formulations and it is therefore submitted should not be in the same group as the present claims.

It is submitted that the application is in condition for allowance and favorable action is therefore requested.

Respectfully submitted,

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| Registration Number 35,658 | Telephone Number (651) 736-5839 |
| Date <i>Febr. 18, 2002</i> | |

By

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